

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL REVISION APPLICATION NO. 256 OF 2016
WITH
CRIMINAL APPLICATION NO. 6501 OF 2016**

Gokul s/o. Bandulal Mantri .. Applicant

Versus

The State of Maharashtra .. Non-applicant

Mr.M.L. Dharashive, Advocate for the applicant.

Mr.A.R. Kale, A.P.P. for the non-applicant.

CORAM : Z.A. HAQ, J.

DATED : 29.11.2016

P.C. :-

. Heard. The applicant has challenged the judgment passed by the Sessions Court maintaining the conviction under section 324 of the Indian Penal Code by the learned Magistrate.

02. The applicant came to be prosecuted for the offence under sections 323 and 324 of the Indian Penal Code. The learned Magistrate, after conducting the trial found that the applicant is guilty of the offence for which he was tried. The learned Magistrate exhaustively discussed the evidence on record.

03. The applicant challenged the judgment passed by the learned Magistrate in appeal before the Sessions Court, which is partly allowed by the impugned judgment. The learned Additional Sessions Judge has maintained the conviction of the applicant for the offence punishable under section 324 of the Indian Penal Code, however, the conviction for the offence punishable under section 323 of the Indian Penal Code is set aside on the ground that as the applicant is convicted for the grievous offence, he need not be convicted for the offence which is less in gravity. The learned Additional Sessions Judge has independently examined the evidence on record and has recorded the findings, which cannot be said to be suffering from any infirmity or perversity.

04. The judgment passed by the learned Additional Sessions Judge cannot be faulted with. I see no reason to interfere in the matter. The Criminal Revision Application is dismissed.

. Consequently, the Criminal Application is also dismissed.

[Z.A. HAQ, J.]